

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MEMORANDUM ORDER

JAB Distributors, LLC ("JAB") has filed its Reply to the Counterclaims brought against it by Martha Stewart Living Omnimedia, Inc. This sua sponte memorandum order strikes that responsive pleading and sends JAB's counsel back to the drawing board.

To begin with, counsel have not complied with this District Court's LR 10.1. Its purpose--facilitating the ability of the reader, whether opposing counsel or this Court, to determine what is and what is not in dispute by looking at a single document--is obvious. And besides that, it is after all a court order.

Next, the phrase "and therefore denies the same," which follows the Fed. R. Civ. P. ("Rule") 8(b)(5) disclaimer in Reply ¶1, must be omitted from JAB's repleading. That denial is of course oxymoronic--how can a party that asserts (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in accordance with Rule 11(b)?

JAB's counsel is granted leave to file a replacement Reply on or before November 9, 2010. And in doing so, counsel is also ordered to comply with the provisions of App'x ¶8 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001).



Milton I. Shadur
Senior United States District Judge

Date: October 26, 2010